

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL REVISION No. 344 of 2003

KAMLA DEVI
V/S
THE LAND ACQUISITION OFFICER

Mr. TRIBHUVAN GUPTA, for the appellant / petitioner

Date of Order : 2.7.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

This revision has been filed against the order of the learned Court below dismissing the petitioner's application dated 9.1.2003, filed under Section 152 CPC. It was claimed in the application, that in the judgment dated 3.8.2001, the award of interest has been made @ 9% per annum, whereas it should have been @ 15% per annum, as per Section 28 of the Land Acquisition Act. The learned Court below found, that this cannot be said to be falling within the expression "clerical or arithmetical mistake", so as to require any invoking of powers under Section 152 CPC. It has been observed that the remedy of the petitioner was to file an appeal, or review, against the reference court's order dated 3.8.2001.

In my view also, the only remedy of the petitioner, if aggrieved of the order dated 3.8.2001, was,

to file appeal under Section 54 of the Act before the competent Court, and learned Court below was perfectly correct in concluding, that the grievance of the petitioner does not fall in Section 152 CPC. In that view of the matter, I do not find any error in the impugned order. The revision petition is, therefore, dismissed. The parties shall bear their own costs.

(N P GUPTA), J.

/tarun/